

Exhibit 39



General Order

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RULES OF CONDUCT		"R"	
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I. PURPOSE

It is the purpose of this policy to provide specific guidelines to the standards of conduct embodied in the law enforcement officer's code of ethics and the Warren Police Department's statement of rules, regulations and responsibilities so that employees of this agency will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

These rules are adopted and published by the Commissioner of Police for the guidance and administration of the Warren Police Department and its members, pursuant to the laws of the State of Michigan. The provisions of these rules are binding upon all its members of the Department as they may apply to the individual ranks and positions held by them.

The rules of conduct set forth in this policy are not intended to serve as an exhaustive treatment of requirements, limitations, or prohibitions on employee conduct and activities established by this agency. Rather, they are intended to:

- (1) Alert employees to some of the more sensitive and often problematic matters involved in police conduct and ethics.
- (2) Specify, where possible, actions and inactions that are contrary to and that conflict with the duties and responsibilities of law enforcement officers and civilian employees.
- (3) Guide employees in conducting themselves and their affairs in a manner that reflects standards of deportment and professionalism as required of law enforcement officers and civilian personnel. Additional guidance on matters of conduct is provided in regard to specific policies, procedures and directives disseminated by this agency and from the employee's immediate supervisors and commanders.

Members of the Department who violate a rule or regulation, a provision of a policy or procedural order, or who are convicted in a court having criminal jurisdiction shall be subject to disciplinary action up to and including dismissal.

Existence of facts establishing a violation of law, ordinance or rule, is all that is required to support charges of such an allegation. It is not necessary that formal complaints be filed or sustained. Supervisors are authorized to take corrective action when employees under their supervision commit minor infractions.

Whenever deemed necessary for the preservation of good order, efficiency and discipline, a supervisor may suspend a subordinate from duty pending his reporting to the Chief of Police the facts and circumstances of the infraction. Disciplinary actions administered under this authority will be reported in writing to the Chief of Police no later than at the end of the shift during which the disciplinary action was taken.

II. POLICY

Actions of officers that are inconsistent, incompatible, or in conflict with the values established by this agency negatively affect its reputation and that of its officers. Such actions and inactions thereby detract from the Warren Police Department's overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business. Therefore, it is the policy of the Warren Police Department that officers conduct themselves in a manner that reflects the ethical standards consistent with the rules contained in this policy and otherwise disseminated by this agency.

III. PROCEDURE

To gain uniformity in Department operations and for the good order, efficiency and discipline of the members, the following rules and codes are necessary for the regulation of conduct of all personnel.

A. Law Enforcement Code of Ethics

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community, safeguarding lives and property, keeping the peace and ensuring the rights of all to liberty and the equality of justice.

1. Performance of the Duties of a Police Officer

- (a) A police officer shall perform all duties impartially, without favor or ill will, and without regard to status, sex, race, national origin, religion, political belief or aspiration. All citizens will be treated equally, with courtesy, consideration and dignity.
- (b) Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and demeanor in such a manner as to inspire confidence and respect for the position of public trust they hold.

2. Discretion

- (a) A police officer will use responsibly the discretion vested in the position and exercise it within the law. The principle of reasonableness will guide the officer's determinations considering surrounding circumstances in determining whether any legal action should be taken.
- (b) The consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice, which may be correct in the appropriate circumstances, can be a more effective means of achieving a desired end rather than an arrest.

3. Use of Force

A police officer will not use unnecessary force or violence, and will use only such force in the discharge of duty as is reasonable in all circumstances, and in compliance with the Department's Use of Force policy.

4. Confidentiality

- (a) Whatever a police officer sees, hears or learns of, which is of a confidential nature, will be kept secret unless the performance of duty or legal mandate requires otherwise.
- (b) Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

5. Integrity

- (a) A police officer shall not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers.
- (b) The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus betray the public confidence in a law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantages from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

6. Cooperation with other Officers and Agencies

In the pursuit of justice, police officers will make every reasonable effort to cooperate and assist all legally authorized agencies and their representatives.

7. Personal/Professional Capabilities

Police officers are responsible for their own standard of professional performance. They will take reasonable opportunities to enhance and improve their level of knowledge and competence. Through study and experience, a police officer can acquire a higher level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

8. Private and Professional Life

Police officers will behave in a manner that does not bring discredit to this agency or themselves. A police officer's character and conduct while off duty must always be exemplary in order to maintain a position of respect. A police officer's personal behavior must be beyond reproach.

B. General Conduct

1. Obedience to Laws, Regulations and Orders

- (a) Officers shall not violate any law or any agency policy, rule or procedure.
- (b) Officers shall obey all lawful orders.

2. Conduct Unbecoming an Officer

Officers shall not engage in any conduct or activities on-duty or off-duty that reflect discredit on the officer, tend to bring this agency into disrepute, or impair its efficiency and effective operation.

3. Unsatisfactory Performance

Officers shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. The delegation of enforcement of certain laws and ordinances to a particular division of the Department does not relieve members of other divisions from taking proper police action that may come to their attention. Unsatisfactory performance may be demonstrated by the:

- (a) Lack of knowledge of the application of laws required to be enforced.
 - (b) An unwillingness or inability to perform the assigned tasks.
 - (c) Failure to conform to work standards established by the Department.
 - (d) Failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.
 - (e) Engaging in any activity or personal business that would cause them to neglect or be inattentive to duty.
 - (f) Absence without leave.
4. Accountability, Responsibility, and Discipline
- (a) Officers are directly accountable for their actions through the chain of command, to the Commissioner of Police.
 - (b) Officers shall promptly obey any lawful order of a supervising officer. This will include orders relayed from a supervising officer by an officer of the same or lesser rank.
 - (c) Officers shall take appropriate action to protect life and property, preserve the peace, prevent crime, detect and arrest violators of the law, enforce all federal, state and local laws and ordinances coming within Departmental jurisdiction. Officers shall conduct themselves in a manner commensurate with the highest professional standards and render other assistance to citizens when required.
 - (d) All complaints against any member of the Department shall be received and handled in accordance with Departmental policy and procedure by a supervisor. Complaints from any source, citizen or agency, written or oral, signed or anonymous, shall be taken in their entirety in a courteous and efficient manner.
 - (e) Officers shall be accurate, complete and truthful in all matters.
 - (f) Officers shall accept responsibility of their actions without attempting to conceal, divert or mitigate their true culpability, nor shall they engage in efforts to thwart, influence or interfere with an internal or criminal investigation.
 - (g) Officers who are arrested, cited, or come under investigation for any criminal offense in this or another jurisdiction shall report this fact to a supervisor as soon as possible.
5. Conduct Toward Fellow Employees
- (a) Employees shall conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealing with one another.
 - (b) Employees shall not use language or engage in acts that demean, harass, or intimidate another person. (Employees should refer to this Department's policy on "Harassment and Discrimination in the Workplace" for additional information on this subject.)

- (c) Employees are prohibited from surreptitiously recording another employee by capturing audio and/or video in any format or onto any media.
- 6. Conduct Toward the Public
 - (a) Officers shall conduct themselves toward the public in a civil and professional manner that connotes a service orientation and that will foster public respect and cooperation.
 - (b) Members shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, even in the face of extreme provocation. In the performance of their duties, employees shall not use coarse, violent, profane or insolent language or gestures and shall not express any prejudice or engage in any profiling practices concerning race, religion, politics, age, sex, national origin, lifestyle or similar personal characteristics.
 - (c) While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, officers shall adhere to this agency's use-of-force policy and shall observe the civil rights and protect the well being of those in their charge.
- 7. Use of Alcohol and Drugs
 - (a) Officers shall not store or bring into any police facility or vehicle alcoholic beverages or illegal drugs unless they are to be held as evidence or to be used in the performance of their official duties.
 - (b) Officers shall not consume intoxicating beverages while in uniform or on duty except in the performance of duty, and while acting under proper and specific orders from a supervising officer.
 - (c) Officers shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with the odor of intoxicants upon their breath.
 - (d) No employee shall illegally possess any controlled substance, or ingest any controlled or other dangerous substance, unless as prescribed by a licensed medical practitioner.
 - (e) Employees shall notify their immediate supervisor when required to use prescription medication that they have been informed has the potential to impair job performance. The employee shall advise the supervisor of the known side effects of such medication, as well as the prescribed period of use.
 - (f) No employee shall report to work or be on duty as a law enforcement officer when alcohol, medication or other substances have impaired their judgment or physical condition.
- 8. Use of Tobacco Products
 - (a) Smoking within the Police Headquarters Building shall be prohibited.

- (b) Uniformed officers shall not smoke on duty while in direct contact with the public.
 - (c) Smoking is prohibited in Warren Police Department vehicles.
 - (d) All members of the Warren Police Department are prohibited from using chewing tobacco or snuff while on duty. At no time will this activity be permitted in police headquarters, the police department grounds, police vehicles, or anywhere within the public view while identifiable as a member of this Department.
9. Abuse of Law Enforcement Powers or Position
- (a) Officers shall not use their authority or position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, to barter, solicit, or accept any goods or services (to include, gratuities, gifts, discounts, rewards, loans, or fees) whether for the officer or for another.
 - (b) Officers shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.
 - (c) Officers, while on duty, shall not solicit or accept contributions for the Warren Police Department or for any other agency, organization, event, or cause without the express consent of the Commissioner of Police or designee.
 - (d) Officers, while off duty, shall not represent themselves as a police officer to solicit or accept contributions without the express consent of the Commissioner of Police or designee.
 - (e) Officers who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority shall inform the Commissioner of Police.
 - (f) Approval to work outside or secondary employment shall be conditional when it impacts or becomes a liability to the operation and efficiency of the Department and is governed by established guidelines and restrictions.
10. Prohibited Associations and Establishments
- (a) Officers shall not knowingly commence or maintain a relationship with any person who has a reputation in the community or this Department for present involvement in felonious or criminal activity, except as is necessary to the performance of official duties, or where unavoidable because of familial relationships.
 - (b) Except in the performance of official duties, officers shall not knowingly enter any establishment in which the law of that jurisdiction is regularly violated.
 - (c) Officers shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

11. Gambling

Officers shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervising officer.

12. Off-Duty Police Action

- (a) Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is a personal involvement that would reasonably require law enforcement intervention.
- (b) Off-duty officers shall not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that officers would reasonably be expected to take appropriate action.

C. Public Statements, Appearances and Endorsements

- 1. Officers shall not, at any time or place or in any manner publicly or privately,
 - (a) Criticize or ridicule the Department, its policies or other Officers by speech, writing or other expression when such speech, writing or other expression or communication adversely affects morale or undermines the effective operation of the Police Department, interferes with the maintenance of discipline, perception to the public, or is made with reckless disregard for the truthfulness or falsity of the contents of the communication. As used herein, "publicly" means any speech, writing or other communication to persons in employee locker rooms, lounges, corridors or other areas of the Police Headquarters building generally accessible to employees.
 - (b) Unless expressly authorized, address public gatherings, appear on radio or television, prepare any articles for publications, act as correspondents to a newspaper or periodical, or any other matters of the Warren Police Department while holding themselves out as representing the Department. Officers may lecture on "police" or other related subjects only with the prior approval of the Commissioner of Police or designee.
 - (c) Divulge or willfully permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose.

2. Endorsements

Officers shall not, under color of authority, endorse, recommend, or facilitate the sale of commercial products or services. This includes but is not limited to the use of tow services, repair firms, attorneys, bail bondsmen, morticians, or other technical and professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

D. Political Activity

1. Officers shall be guided by State law regarding their participation and involvement in political activities.
2. Where state law is silent on this issue, officers shall be guided by the following examples of **prohibited** activities during working hours, while in uniform, or otherwise serving as a representative of this agency:
 - (a) Engage in any political activity.
 - (b) Place or affix any campaign literature on city-owned property.
 - (c) Solicit political funds from any member of this agency or another governmental agency of this jurisdiction.
 - (d) Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction.
 - (e) Use official authority to interfere with any election or interfere with the political actions of other employees or the general public.
 - (f) Favor or discriminate against any person seeking employment because of political opinions or affiliations.
 - (g) Participate in any type of political activity while in uniform without the expressed approval of the Commissioner of Police or designee.

E. Department Equipment and Property

1. Officers and employees are responsible for the proper care of Department property and equipment assigned to them.
 - (a) Employees shall utilize Department equipment only for its intended purpose, in accordance with established Departmental procedures, and shall not abuse, damage or lose Department equipment.
 - (b) All Department equipment issued shall be properly safeguarded and maintained in proper order. A member of the Department shall report to his supervising officer the loss, damage or unserviceable condition of any property assigned to them.
 - (c) Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action.

- (d) Employees shall not mar, mark or deface any surface or notice in any Department building.
 - (e) Officers shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, Department-owned vehicles, file cabinets, computers or similar areas that are under the control and management of this law enforcement agency. This agency recognizes the need for officers to occasionally store personal items in such areas. Officers should be aware that these and similar places may be inspected or otherwise entered to meet operational needs, internal investigatory requirements, or for other reasons at the direction of the Commissioner of Police or designee.
 - (f) No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at their place of residence or other locations outside the confines of this agency without express permission.
 - (g) Any member retiring, resigning, upon dismissal or in any way terminated from the Department, shall surrender all Department property to their commanding officer or designee and shall receive an itemized receipt.
2. The use of Departmental vehicles shall be in accordance with established procedures.
- (a) Officers shall not use any Department vehicle without the permission of a supervisory officer.
 - (b) Employees shall operate vehicles carefully and obey all laws and Departmental orders pertaining to such operation. The loss or suspension of any operator's license shall be immediately reported to the Department.
 - (c) Accidents involving City personnel, property and/or equipment shall be reported immediately to a supervisor.
 - (d) In the event that Department property is found bearing evidence of damage which has not been reported, it shall be prima facie evidence that the last person using the property or vehicle was responsible.

F. Suspension from Duty

1. When a member of the Department is being suspended, the suspending supervisor shall:
- (a) Notify the officer or employee that suspension is being imposed, citing the reason for the suspension and stating the effective date.
 - (b) Suspension may occur immediately or at a future date.
 - (c) Any suspension days in excess of one (1) shall be consecutive but not in conjunction with schedule leave or furlough.

2. The officer will be directed to immediately surrender their police badge, Department firearm, identification cards and any other requested Department property.
 - (a) If the officer's condition or action suggest harm to self or others, all firearms in the officer's possession shall be immediately surrendered.
 - (b) Equipment taken shall be secured in a location designated by the officer's Bureau Captain. (Firearms shall be unloaded.)
 - (c) If the officer's firearm is confiscated as evidence, the firearm shall be tagged, entered in the property book, and secured in the property room.
 - (d) If the suspension is to occur at a future date, the suspended officer shall surrender badge, firearm and identification cards on the officer's last working day preceding the suspension.
3. The officer shall be informed that while suspended, it is not permissible to wear a Warren Police Department uniform, nor function in any capacity as a police officer, and must obey as a citizen laws governing the carrying of firearms.
4. When a suspension from duty is invoked, a misconduct report, charges and specifications as outlined in General Order #01-11 shall be prepared.

G. Restoration to Duty

The Bureau Captain shall restore the suspended officer or employee to duty as of a date and direct them to report to a supervisor for duty assignment. Any equipment taken at the time of suspension shall be returned.

Jere Green
POLICE COMMISSIONER

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